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2015 International Zoning Code®

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PREFACE

Introduction

Internationally, code officials recognize the need for consistent and uniform zoning ordinances. The *International Zoning Code*®, in this 2015 edition, is designed to meet this need through model code regulations that safeguard the public health and safety in all communities, large and small.

This comprehensive zoning code establishes minimum regulations for zoning ordinances. This 2015 edition is fully compatible with all of the *International Codes*® (I-Codes®) published by the International Code Council (ICC®), including the *International Building Code®, International Energy Conservation Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Green Construction Code®, International Mechanical Code®,* ICC *Performance Code®, International Plumbing Code®, International Private Sewage Disposal Code®, International Property Maintenance Code®, International Residential Code®, International Swimming Pool and Spa Code*™, and *International Wildland-Urban Interface Code®*.

The *International Zoning Code* provides many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Zoning Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The intent was to draft a comprehensive set of zoning regulations for jurisdictions that have a need for a zoning ordinance and desire that it be compatible with the model codes adopted by the jurisdiction. This 2015 edition presents the code as originally issued, with changes reflected through the previous 2012 edition. A new edition of the code is promulgated every 3 years.

This code is founded on principles intended to establish provisions consistent with the scope of a zoning code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The International Code Council maintains a copyright in all of its codes and standards. Maintaining copyright allows ICC to fund its mission through sales of books, in both print and electronic formats. The *International Zoning Code* is designed for adoption and use by jurisdictions that recognize and acknowledge the ICC's copyright in the code, and further acknowledge the substantial shared value of the public/private partnership for code development between jurisdictions and the ICC.

The ICC also recognizes the need for jurisdictions to make laws available to the public. All ICC codes and ICC standards, along with the laws of many jurisdictions, are available for free in a non-downloadable form on the ICC's website. Jurisdictions should contact the ICC at adoptions@iccsafe.org to learn how to adopt and distribute laws based on the *International Zoning Code* in a manner that provides necessary access, while maintaining the ICC's copyright.

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Maintenance

The *International Zoning Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change through both the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Zoning Code* ensures the highest degree of care, the ICC, its members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because the ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers or Definitions)

In each code development cycle, proposed changes to the code are considered at the Committee Action Hearings by the International Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed change. Proposed changes to a code section that has a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to definitions that have [BG] in front of them (e.g., [BG] DWELLING UNIT) are considered by the IBC – General Code Development Committee at the code development hearings.

The content of sections or definitions in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

[A] = Administrative Code Development Committee; and

[BG] = IBC – General Code Development Committee.

For the development of the 2018 edition of the I-Codes, there will be three groups of code development committees and they will meet in separate years. Note that these are tentative groupings.

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Group A Codes (Heard in 2015, Code Change Proposals Deadline: January 12, 2015)	Group B Codes (Heard in 2016, Code Change Proposals Deadline: January 11, 2016)	Group C Codes (Heard in 2017, Code Change Proposals Deadline: January 11, 2017)
International Building Code – Fire Safety (Chapters 7, 8, 9, 14, 26) – Means of Egress (Chapters 10, 11, Appendix E) – General (Chapters 3-6, 29-33, Appendices A, B, C, D, H, K)	Administrative Provisions (Chapter 1 of all codes except IRC and IECC, administrative updates to currently referenced standards, and designated definitions)	International Green Construction Code
International Fuel Gas Code	International Building Code – Structural (Chapters 15-25, Appendix F, G, I, J, L, M)	
International Existing Building Code	International Energy Conservation Code	
International Mechanical Code	International Fire Code	
International Plumbing Code	International Residential Code – IRC-B (Chapters 1-10, Appendix E, F, H, J, K, L M, O, R, S, T, U)	
International Private Sewage Disposal Code	International Wildland-Urban Interface Code	
International Property Maintenance Code		
International Residential Code – IRC-Mechanical (Chapters 12-24) – IRC-Plumbing (Chapter 25-33, Appendices G, I, N, P)		
International Swimming Pool and Spa Code		
International Zoning Code		

Note: Proposed changes to the ICC Performance Code will be heard by the Code Development Committee noted in brackets [ ] in the text of the code.

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees hold code development hearings in different years, it is possible that some proposals for this code will be heard by a committee in a different year than the year in which the primary committee for this code meets.

For example, the definition of "Dwelling unit" in Section 202 is designated as the responsibility of the International Building Code Development Committee. This committee will hold its code development hearings in 2015 to consider all code change proposals to the *International Building Code*. Therefore, any proposals to this definition in Chapter 2 will be needed to be submitted by January 5, 2015, for consideration in 2015 by the appropriate International Building Code Committee (IBC-General).

Note that every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, and that committee is part of the Group B portion of the code hearings. This committee will hold its code development hearings in 2016 to consider all code change proposals for Chapter 1 of this code and proposals for Chapter 1 of all I-Codes except the *International Residential Code*, *International Energy Conservation Code* and the *ICC Performance Code*. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Provisions Committee for consideration in 2016.

It is very important that anyone submitting code change proposals understand which code development committee is responsible for the section of the code that is the subject of the code change proposal. For further information on the code development committee responsibilities, please visit the ICC website at www.iccsafe.org/scoping.

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Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2012 edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

A single asterisk [*] placed in the margin indicates that text or a table has been relocated within the code. A double asterisk [**] placed in the margin indicates that the text or table immediately following it has been relocated there from elsewhere in the code. The following table indicates such relocations in the 2015 edition of the *International Zoning Code*.

2015 LOCATION	2012 LOCATION
None	None

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text (except those in Sections 1903 through 1905 where italics indicate provisions that differ from ACI 318). Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions that the user should read carefully to facilitate better understanding of the code.

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EFFECTIVE USE OF THE INTERNATIONAL ZONING CODE

Effective Use of the International Zoning Code

The *International Zoning Code* (IZC) is a model code that regulates minimum zoning requirements for new buildings.

The IZC is a planning and community development document. The IZC is intended to provide for the arrangement of compatible buildings and land uses and establish provisions for the location of all types of uses, in the interest of the social and economic welfare of the community.

Arrangement and Format of the 2015 IZC

Before applying the requirements of the IZC, it is beneficial to understand its arrangement and format. The IZC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during a plan review or inspection. The IZC is divided into 14 different parts:

Chapter	Subject
1	Scope and Administration
2	Definitions
3	Use Districts
4	Agricultural Zones
5	Residential Zones
6	Commercial and Commercial/Residential Zones
7	Factory/Industrial Zones
8	General Provisions
9	Special Regulations
10	Sign Regulations
11	Nonconforming Structures and Uses
12	Conditional Uses
13	Planned Unit Development
14	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Zoning Code*:

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining "due process of law" in enforcing the zoning criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that "equal protection under the law" has been provided.

Chapter 2 Definitions. Terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Additional definitions regarding signs are found in Chapter 10. These are not listed in Chapter 2.

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Where understanding of a term's definition is especially key to or necessary for the understanding of a particular code provision, the term is shown in *italics* wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

Chapter 3 Use Districts. Chapter 3 identifies classifications for typical zoning districts and provides for the application of minimum district areas, in order to regulate and restrict the locations for uses and locations of buildings designated for specific areas and to regulate the minimum required areas or yards and courts and important open-areas property.

This chapter also requires coordination of the established zoning districts with approved zoning maps. Further, this chapter also contains information on the minimum requirements for conditional-use areas, which includes particular considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community.

Chapter 3, along with Chapters 4 through 7, establish the criteria to classify properties into compatible use districts.

Chapter 4 Agricultural Zones. Chapter 4 identifies three divisions of agricultural zones including any area to be designated as open space, agricultural uses and land used for public parks and similar uses. After the specific zoning areas are established, this chapter provides minimum bulk zoning regulations to establish lot area, structure-to-open space density, lot dimensions, and setback and building height requirements.

For example, within an agricultural zone 2 there is a limit of one dwelling unit per 10 acres with a minimum lot area of 10 acres. Lot dimensions are required to be 400 feet wide by 400 feet deep minimum for this parcel of ground.

Chapter 5 Residential Zones. The objective of Chapter 5 is to define residential uses for a jurisdiction to utilize in arranging compatible land uses in order to achieve the maximum social and economic benefit for the community. This chapter identifies three divisions of residential zones including single-family, two-family and multiunit residential uses. Once the particular zones are established, provisions for the minimum bulk zoning regulations, such as lot area, structure-to-open-space density, lot dimensions, setback and building height requirements, are indicated. For example, based on Table 502.1, a Division 2b residential lot would restrict the overall building height to 35 feet and establish a minimum front yard of 15 feet, side yard of 5 feet and rear yard of 20 feet while requiring a minimum overall lot size of 6,000 square feet.

Chapter 6 Commercial and Commercial/Residential Zones. Chapter 6 identifies four divisions of commercial zones, including C1, which includes minor automotive repair and automotive fuel dispensing facilities; C2, which includes light commercial and group care facilities; C3, which includes amusement centers including bowling alleys, golf driving ranges, miniature golf courses, ice skating rinks, pool and billiard halls; and C4, which includes major automotive repair, manufacturing and commercial centers. This chapter also contains two divisions of commercial/residential zones that accommodate residential uses in light and medium commercial zones (Divisions 1 and 2). Once the particular zones are established, Chapter 6 provides specific minimum bulk zoning restrictions to include lot area, structure-to-open-space density, lot dimensions, and setback and building height requirements.

Chapter 7 Factory/Industrial Zones. The objective of Chapter 7 is to define factory/industrial uses for a jurisdiction to utilize in arranging compatible land uses for the social and economic welfare of the community. This chapter identifies three divisions of factory/industrial zones, including a range of factory/industrial zones from light manufacturing or industrial, such as warehouses and auto body shops (Division 1), to heavy manufacturing or industrial, such as automotive dismantling and petroleum refineries (Division 3). Once the particular zones are established, Chapter 7 provides minimum bulk zoning regulations that establish lot area, structure-to-open-space density, lot dimensions, and setback and building height requirements.

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Chapter 8 General Provisions. Chapter 8 contains general zoning provisions along with requirements for elements that are common to most uses recognized by this code, to include parking stall dimensions, driveway width requirements, allowable projections into required yard spaces, landscaping and loading space size requirements. This chapter also establishes the minimum number of required off-street parking spaces for specific uses, fence height requirements specific to front, side and rear yard locations, accessory buildings and minimum separation distance requirements from accessory buildings to the main building on the same lot, maximum allowable projection encroachment into the required front and rear yards, and landscaping requirements for new buildings and additions and maintenance requirements for existing landscaping. Chapter 8 also provides for the jurisdiction to specifically review and approve the availability of essential services infrastructure for all new projects with a focus on sewer, potable water, street lighting and fire hydrants.

Chapter 9 Special Regulations. Chapter 9 recognizes two unique uses, home office and adult-use businesses, and establishes requirements to address each based on their characteristics and potential impact related to other uses/zoning districts. With respect to home occupations, Chapter 9 contains restrictions that include maximum allowable floor area for both the home occupation and the storage for same, exterior display and patron and parking allowances.

With respect to adult uses, Chapter 9 requires adult uses to obtain a conditional-use permit and contains a list of four specific location requirements for adult uses.

Chapter 10 Sign Regulations. The primary purpose of Chapter 10 is to establish the regulation for the use of signs and sign structures. This chapter addresses the various sign types, provides numerous figures that show examples of general signs, roof signs, wall signs and fascia signs, and addresses the computation methodology of sign area for code compliance. Chapter 10 also contains the general provisions that apply to sign placement, maintenance, repair and removal, as well as requirements for wall, free-standing, directional and temporary signs.

Chapter 11 Nonconforming Structures and Uses. Chapter 11 contains provisions for nonconforming structures and uses regulated under this code. The primary purpose of this chapter is to ensure that existing structures and current land use practices legally established prior to the adoption of the *International Zoning Code* are allowed to be continued. This chapter also describes the criteria that a nonconforming structure or use must meet in order to be allowed to be maintained unchanged. Specific criteria is provided for the discontinuance of a nonconforming use to include vacancy and damage. Chapter 11 also describes the restrictions on enlargements and modifications to a nonconforming structure.

Chapter 12 Conditional Uses. Chapter 12 establishes the requirements for conditional uses based on the occasional need for a use not normally permitted in a particular zoning district and due to the unique characteristics and service that use provides to the public. This chapter contains requirements for conditional-use permits, minimum documentation required to support a conditional-use property and fees. Further, Chapter 12 establishes the criteria for expiration and revocation of conditional-use permit and includes a provision that allows the applicant to submit an amendment to a conditional-use permit.

Chapter 13 Planned Unit Development. Chapter 13 identifies the code requirements for planned unit developments and describes the important role of the planning commission. The primary purpose of this chapter is to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands. This chapter contains the specific conditions for planned unit developments, including area, uses, ownership and open space requirements.

Chapter 14 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 14 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the referenced to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

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Chapter 14 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based on the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

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LEGISLATION

Jurisdictions wishing to adopt the 2015 *International Zoning Code* as an enforceable regulation governing structures and premises should ensure that certain factual information is included in the adopting legislation at the time adoption is being considered by the appropriate governmental body. The following sample adoption legislation addresses several key elements, including the information required for insertion into the code text.

SAMPLE LEGISLATION FOR ADOPTION OF THE *INTERNATIONAL ZONING CODE* ORDINANCE NO._____

A**[N] [ORDINANCE/STATUTE/REGULATION]** of the **[JURISDICTION]** adopting the 2015 edition of the *International Zoning Code*, regulating and governing the development, erection, construction, enlargement, alteration, repair, movement, removal, demolition, conversion, occupancy, use, height, area and maintenance of all buildings, structures and lots in the **[JURISDICTION]**; providing for the issuance of permits, including conditional use permits, and collection of fees therefor; repealing **[ORDINANCE/STATUTE/REGULATION]** No. _____ of the **[JURISDICTION]** and all other ordinances or parts of laws in conflict therewith.

The **[GOVERNING BODY]** of the **[JURISDICTION]** does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the **[TITLE OF JURISDICTION'S KEEPER OF RECORDS]** of **[NAME OF JURISDICTION]**, being marked and designated as the *International Zoning Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Zoning Code of the **[JURISDICTION]**, in the state of **[STATE NAME]** for regulating and governing the development, erection, construction, enlargement, alteration, repair, movement, removal, demolition, conversion, occupancy, use, height, area and maintenance of all buildings, structures and lots in the **[JURISDICTION]**; providing for the issuance of permits, including conditional use permits, and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Zoning Code on file in the office of the **[JURISDICTION]** are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this ordinance.

Section 2. (Incorporate penalties for violations)

Section 3. The following sections are hereby revised:

Section 101.1. Insert **[NAME OF JURISDICTION]**

Section 109.2.2. Insert **[NUMBER OF WORKING DAYS]**

Table 302.1. Insert **[MINIMUM AREAS]**

Section 1008.1.1. Insert **[SIGN AREA]**

Section 1008.1.3. Insert **[SIGN AREAS IN TWO LOCATIONS]**

Table 1008.1.1(1). Insert **[SIGN AREAS IN THREE LOCATIONS]**

Table 1008.1.1(2). Insert **[PERCENTAGE OF BUILDING ELEVATION IN THREE LOCATIONS]**

Table 1008.1.2. Insert **[NO. OF SIGNS, HEIGHT AND AREA IN 10 LOCATIONS]**

Section 1008.2.1. Insert **[SIGN AREAS IN EIGHT LOCATIONS]**

Section 1008.2.2. Insert **[SIGN HEIGHTS AND AREA IN 10 LOCATIONS]**

Section 1008.2.3. Insert **[SIGN AREAS IN THREE LOCATIONS]**

Section 1008.2.5. Insert **[SIGN HEIGHT AND AREA IN TWO LOCATIONS]**

Section 1008.2.6. Insert **[SIGN HEIGHT AND AREA IN TWO LOCATIONS]**

Section 1008.3.3. Insert **[SIGN AREA, HEIGHT, PROJECTION AND VERTICAL DISTANCE IN SIX LOCATIONS]**

Section 1008.3.4. Insert **[SIGN AREA AND VERTICAL DISTANCE IN TWO LOCATIONS]**

Section 1008.3.5. Insert **[SIGN HEIGHT IN TWO LOCATIONS]**

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Section 4. That **[ORDINANCE/STATUTE/REGULATION]** No. _____ of **[JURISDICTION]** entitled **[FILL IN HERE THE COMPLETE TITLE OF THE LEGISLATION OR LAWS IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION]** and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 5. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **[GOVERNING BODY]** hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional**.**

Section 6. That nothing in this legislation or in the Zoning Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 7. That the **[JURISDICTION'S KEEPER OF RECORDS]** is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 8. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **[TIME PERIOD]** from and after the date of its final passage and adoption.

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CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101
GENERAL

[A] 101.1 Title. These regulations shall be known as the *Zoning Code* of **[NAME OF JURISDICTION]**, hereinafter referred to as "this code."

[A] 101.2 Intent. The purpose of this code is to safeguard the health, property and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land uses within this jurisdiction.

[A] 101.3 Scope. The provisions of this code shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land or *sign* within a jurisdiction, except work located primarily in a *public way*, public utility towers and poles and public utilities unless specifically mentioned in this code.

Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different requirements, the more restrictive shall govern.

In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a byproduct of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the jurisdiction hereby shall not be enforceable in tort.

If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

SECTION 102
FEES

[A] 102.1 Fees. A fee for services shall be charged. Fees shall be set by the jurisdiction and schedules shall be available at the office of the code official.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103
EXISTING BUILDINGS AND USES

[A] 103.1 General. Lawfully established buildings and uses in existence at the time of the adoption of this code shall be permitted to have their existing use or occupancy continued, provided such continued use is not dangerous to life.

[A] 103.2 Additions, alterations or repairs. Additions, alterations or repairs shall be permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided the addition, alteration or repair conforms to that required for a new building or use.

[A] 103.3 Maintenance. Buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or owner's authorized agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the code official shall be permitted to cause any structure or use to be inspected.

[A] 103.4 Moved and temporary buildings, structures and uses. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings and structures.

Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided a special approval is received from the code official for a limited period of time. *Temporary buildings* or structures shall be completely removed upon the expiration of the time limit stated in the permit.

[A] 103.5 Illegal uses. Uses that were illegally established prior to the adoption of this code shall remain illegal.

SECTION 104
DUTIES AND POWERS OF THE ZONING CODE OFFICIAL

[A] 104.1 General. This section establishes the duties and responsibilities for the zoning code official and other officials and agencies, with respect to the administration of this code. The zoning code official and/or designee shall be referred to hereafter as "the code official."

[A] 104.2 Deputies. The code official may appoint such number of technical officers and other employees as shall be authorized from time to time. The code official shall be permitted to deputize such employees as may be necessary to carry out the functions of this code.

[A] 104.3 Reviews and approvals. The code official shall be authorized to undertake reviews, make recommendations and grant approvals as set forth in this code.

[A] 104.4 Comprehensive plan. The code official shall assist the planning commission in the development and implementation of the comprehensive plan.

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[A] 104.5 Administrative reviews and permits. Administrative reviews and permits shall be in accordance with Sections 104.5.1 through 104.5.4.

[A] 104.5.1 Review of building permits. Applications for building permits and amendments thereto shall be submitted to the code official for review and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this code are met.

[A] 104.5.2 Site plan reviews. The code official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.

[A] 104.5.3 Conditional-use permits and variances. The code official shall receive all applications for conditional uses and variances or other plans as shall be permitted or approved as required by this code, review for completeness and prepare submittals for review by the appropriate body.

[A] 104.5.4 Amendments. Requests for amendments or changes to the comprehensive plan or this code or map shall be submitted to the code official for processing.

[A] 104.6 Interpretations. The interpretation and application of the provisions of this code shall be by the code official. An appeal of an interpretation by the code official shall be submitted to the board of adjustment, who, unless otherwise provided, is authorized to interpret the code, and such interpretation shall be considered final.

Uses are permitted within the various zones as described in this code and as otherwise provided herein.

It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the zones described in this code. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zone's classification, it shall be considered as a permitted/nonpermitted use within a general zone classification, subject to the regulations for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a zone, it may be permitted as determined by the hearing body in public hearing as an amendment to this code pursuant to Section 109.3.

[A] 104.7 Liability. The code official, or designee, charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties described in this code, shall not be personally civilly or criminally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

[A] 104.7.1 Legal defense. A suit or criminal complaint brought against the code official or employee because such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the enforcement agency shall be defended by the jurisdiction until final termination of such proceedings. Any judgment resulting therefrom shall be assumed by the jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this code.

[A] 104.8 Cooperation of other officials and officers. The code official shall be authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

SECTION 105
PLANNING COMMISSION

[A] 105.1 General. This section addresses the duties and responsibilities of a planning commission, hereafter referred to as "the commission," and other officials and agencies, with respect to the administration of this code.

[A] 105.2 Establishment of the commission. The establishment of the commission shall be in accordance with the policies and procedures as set forth in state law. The commission shall consist of the number of members as specified in state law. Additionally, one member of the legislative body shall be permitted to be appointed as liaison to the commission. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on commission decisions.

[A] 105.3 Terms for members. The terms of office for the members of the commission shall be as set forth in state law. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such a hearing is requested.

[A] 105.4 Selection of members. Members shall be appointed and approved by the legislative body of the jurisdiction served. The terms of office for the commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Members of the commission shall be residents of the jurisdiction served. Compensation of members shall be set by the legislative body of the jurisdiction. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction.

[A] 105.5 Chairperson election and rules adoption. The commission shall elect from its membership a chairperson. It shall establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.

[A] 105.6 Commission secretary. A secretary to assist the commission shall be appointed by the code official. The secretary shall keep minutes of the commission meetings for

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public record and conduct all correspondence, including the notification of decisions. The secretary shall certify records. The secretary shall prepare and submit the minutes of commission meetings to the chairperson and the commission.

[A] 105.7 Duties and powers. The duties and powers of the planning commission shall be in accordance with Sections 105.7.1 through 105.7.5.

[A] 105.7.1 Comprehensive plan. It shall be the duty of the commission, after holding public hearings, to create and recommend to the legislative body a comprehensive plan for the physical development of the jurisdiction, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the jurisdiction. The comprehensive plan shall include at least the following elements:

1. Official maps.
2. Growth and land use.
3. Commercial/industrial uses.
4. Transportation and utilities.
5. Community facilities.
6. Housing.
7. Environmental.
8. Geologic/natural hazards.

The commission shall be permitted to recommend amendments to the comprehensive plan regarding the administration or maintenance of this code.

[A] 105.7.2 Zoning code. It shall be the duty of the commission to develop and recommend to the legislative body a zoning code, in accordance with the guidelines of the comprehensive plan, establishing zones within the jurisdiction. Such a code shall be made in regards to the character of each district and the most appropriate use of land within the jurisdiction.

The commission shall make periodic reports and recommendations to the legislative body.

[A] 105.7.3 Division of land regulations. It shall be the duty of the commission to develop and certify regulations governing the division of land. Divisions of land shall be in accordance with the adopted regulations.

[A] 105.7.4 Conditional-use permits. It shall be the duty of the commission to review conditional-use permit applications.

The application shall be accompanied by maps, drawings or other documentation in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

[A] 105.7.5 Official zoning map. The legislative body shall adopt an official zoning map for all areas included within the jurisdiction.

[A] 105.8 Appeals and hearings. Any person with standing aggrieved by any decision of the commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

SECTION 106
COMPLIANCE WITH THE CODE

[A] 106.1 General. Upon adoption of this code by the legislative body, no use, building or structure, whether publicly or privately owned, shall be constructed or authorized until the location and extent thereof conform to said plan.

SECTION 107
BOARD OF ADJUSTMENT

[A] 107.1 General. This section addresses the duties and responsibilities of a board of adjustment, hereafter referred to as "the board," and other officials and agencies, with respect to the administration of this code.

[A] 107.2 Establishment of the board. The establishment of the board shall be in accordance with the procedures and policies set forth in state law. The board shall consist of the number of members as specified in state law. Additionally, one member of the commission shall be appointed as liaison to the board. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on board decisions.

[A] 107.3 Terms for members. The terms of office for the members of the board shall be as set forth in state law. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such hearing is requested.

[A] 107.4 Selection of members. Members shall be appointed and approved by the legislative body of the jurisdiction served. The terms of office shall be staggered at intervals, so as to provide continuity in policy and personnel. Members of the board shall be residents of the jurisdiction served. Compensation shall be set by the legislative body of the jurisdiction. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction.

[A] 107.5 Chairperson election and rules adoption. The board shall elect from its membership a chairperson. It shall establish and adopt rules for its organization and the transaction of business and shall keep a public record of its proceedings.

[A] 107.6 Board secretary. A secretary to assist the board shall be appointed by the code official. The secretary shall keep minutes of the board meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall certify records. The secretary shall prepare and submit the minutes of board meetings to the chairperson and the board.

[A] 107.7 Duties and powers. The duties and powers of the board of adjustment shall be in accordance with Sections 107.7.1 through 107.7.3.

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[A] 107.7.1 Errors. The board shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination or interpretation by the code official.

[A] 107.7.2 Variances. The board shall have the power to hear and decide on appeals wherein a variance to the terms of this code is proposed. Limitations as to the board's authorization shall be as set forth in this code.

[A] 107.7.3 Variance review criteria. The board of adjustment shall be permitted to approve, approve with conditions or deny a request for a variance. Each request for a variance shall be consistent with the following criteria:

1. Limitations on the use of the property due to physical, topographical and geologic features.
2. The grant of the variance will not grant any special privilege to the property owner or the owner's authorized agent.
3. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
4. The grant of the variance is not based solely on economic reasons.
5. The necessity for the variance was not created by the property owner or the owner's authorized agent.
6. The variance requested is the minimum variance necessary to allow reasonable use of the property.
7. The grant of the variance will not be injurious to the public health, safety or welfare.
8. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.

[A] 107.8 Use variance. The board of adjustment shall not grant a variance to allow the establishment of a use in a zoning district when such use is prohibited by the provisions of this code.

[A] 107.9 Decisions. The board shall be permitted to decide in any manner it sees fit; however, it shall not have the authority to alter or change this code or zoning map or allow as a use that would be inconsistent with the requirements of this code, provided, however, that in interpreting and applying the provisions of this code, the requirements shall be deemed to be the spirit and intent of the code and do not constitute the granting of a special privilege.

SECTION 108
HEARING EXAMINER

[A] 108.1 General. This section addresses the duties and responsibilities of a hearing examiner, hereafter referred to as the "examiner," and other officials and agencies with respect to the administration of this code.

[A] 108.2 Appointment of an examiner. The examiner shall be appointed and approved by the legislative body of the jurisdiction served. Compensation shall be set by same.

[A] 108.3 Duties and powers. The examiner shall hear and consider all applications for discretionary land rezones and use decisions as authorized by the legislative body by resolution. Such considerations shall be set for public hearing. The examiner shall be bound by the same standards of conduct as the commission and board, with respect to the administration of this code.

[A] 108.4 Decisions. The examiner shall, within 10 working days, render a decision. Notice in writing of the decision and the minutes of record shall be given to the code official for distribution as required. Decisions shall be kept in accordance with state regulations and such decisions shall be open to the public.

SECTION 109
HEARINGS, APPEALS AND AMENDMENTS

[A] 109.1 Hearings. Upon receipt of an application in proper form, the code official shall arrange to advertise the time and place of public hearing. Such advertisement shall be given by at least one publication in a newspaper of general circulation within the jurisdiction. Such notice shall state the nature of the request, the location of the property, and the time and place of hearing. Reasonable effort shall be made to give notice by regular mail of the time and place of hearing to each surrounding property owner or the owner's authorized agent; the extent of the area to be notified shall be set by the code official. A notice of such hearing shall be posted in a conspicuous manner on the subject property.

[A] 109.2 Appeals. Appeals shall be in accordance with Sections 109.2.1 through 109.2.3.

[A] 109.2.1 Filing. Any person with standing, aggrieved or affected by any decision of the code official, shall be permitted to appeal to the examiner, board or commission by written request with the code official. Upon furnishing the proper information, the code official shall transmit to the examiner, board or commission all papers and pertinent data related to the appeal.

[A] 109.2.2 Time limit. An appeal shall only be considered if filed within **[NUMBER OF WORKING DAYS]** days after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the code official shall be considered final.

[A] 109.2.3 Stays of proceedings. An appeal stays all proceedings from further action unless there is immediate danger to public health and safety.

[A] 109.3 Amendments. This code shall be permitted to be amended, but all proposed amendments shall be submitted to the code official for review and recommendation to the commission.

[A] 109.4 Voting and notice of decision. There shall be a vote of a majority of the board and commission present in order to decide any matter under consideration. Each decision shall be entered in the minutes by the secretary. Appeals shall be kept in accordance with state regulations and such appeals shall be open to the public.

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Notice in writing of the decision and the disposition of each appeal shall be given to the code official and each appellant by mail or otherwise.

SECTION 110
VIOLATIONS

[A] 110.1 Unlawful acts. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. Where any building or parcel of land regulated by this code is being used contrary to this code, the code official shall be permitted to order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the code official after receipt of such notice to make the structure, parcel of land, or portion thereof, comply with the requirements of this code.

SECTION 111
PERMITS AND APPROVALS

[A] 111.1 General. Departments, officials and employees which are charged with the duty or authority to issue permits or approvals shall issue no permit or approval for uses or purposes where the same would be in conflict with this code. Any permit or approval, if issued in conflict with this code, shall be null and void.

[A] 111.2 Expiration or cancellation. Each license, permit or approval issued shall expire after 180 days if no work is undertaken or such use or activity is not established, unless a different time of issuance of the license or permit is allowed in this code, or unless an extension is granted by the issuing agency prior to expiration.

Failure to comply fully with the terms of any permit, license or approval shall be permitted to be grounds for cancellation or revocation. Action to cancel any license, permit or approval shall be permitted to be taken on proper grounds by the code official. Cancellation of a permit or approval by the commission or board shall be permitted to be appealed in the same manner as its original action.

[A] 111.3 Validity of licenses, permits and approvals. For the issuance of any license, permit or approval for which the commission or board is responsible, the code official shall require that the development or use in question proceed only in accordance with the terms of such license, permit or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions of approval, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

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CHAPTER 2

DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code* or the *International Mechanical Code*, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202
GENERAL DEFINITIONS

ABANDONED SIGN. See Section 1002.1.

ACCESSORY BUILDING. An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no *kitchen* facilities and not rented or otherwise used as a separate *sleeping unit*.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

AGRICULTURE. The tilling of the soil, raising of crops, *farm animals*, *livestock*, horticulture, gardening, beekeeping and aquaculture.

ALLEY. Any *public way* or thoroughfare more than 10 feet (3048 mm), but less than 16 feet (4877 mm), in width, which has been dedicated to the public for public use.

[A] ALTERATION. Any change, addition or modification in construction, occupancy or use.

AMUSEMENT CENTER. An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

ANIMATED SIGN. See Section 1002.1.

Electrically activated. See Section 1002.1.

Environmentally activated. See Section 1002.1.

Mechanically activated. See Section 1002.1.

APARTMENT HOUSE. A residential building designed or used for three or more dwelling units.

ARCHITECTURAL PROJECTION. See Section 1002.1.

AUTOMOTIVE REPAIR, MAJOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

AUTOMOTIVE REPAIR, MINOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

AUTOMOTIVE SELF-SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted to include a free-standing automatic car wash.

AUTOMOTIVE SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

AWNING. See Section 1002.1.

AWNING SIGN. See Section 1002.1.

BACKLIT AWNING. See Section 1002.1.

BANNER. See Section 1002.1.

BANNER SIGN. See Section 1002.1.

BASEMENT. Any floor level below the first *story* in a building, except that a floor level in a building having only one floor level shall be classified as a *basement* unless such floor level qualifies as a first *story* as defined herein.

BILLBOARD. See Section 1002.1.

BOARD. The board of adjustment of the adopting jurisdiction.

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[BG] BOARDING HOUSE. A dwelling containing a single *dwelling unit* and not more than 10 sleeping units, where lodging is provided with or without meals, for compensation for more than one week.

[A] BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, MAIN. A building in which the principal use of the site is conducted.

BUILDING, TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUILDING CODE. The *International Building Code* promulgated by the International Code Council, as adopted by the jurisdiction.

BUILDING ELEVATION. See Section 1002.1.

BUILDING HEIGHT. The vertical distance above the average existing *grade* measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

BUSINESS OR FINANCIAL SERVICES. An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the *canopy* placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

CANOPY (Attached). See Section 1002.1.

CANOPY (Free-standing). See Section 1002.1.

CANOPY SIGN. See Section 1002.1.

CHANGEABLE SIGN. See Section 1002.1.

Electrically activated. See Section 1002.1.

Manually activated. See Section 1002.1.

COMBINATION SIGN. See Section 1002.1.

COMMERCIAL, HEAVY. An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

COMMERCIAL, LIGHT. An establishment or business that generally has retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

COMMERCIAL CENTER, COMMUNITY. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A *community commercial center* shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

COMMERCIAL CENTER, CONVENIENCE. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A *convenience commercial center* shall provide a small cluster of convenience shops or services.

COMMERCIAL CENTER, NEIGHBORHOOD. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A *neighborhood commercial center* shall provide for the sales of convenience goods and services, with a supermarket as the principal tenant.

COMMERCIAL CENTER, REGIONAL. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

COMMERCIAL RETAIL SALES AND SERVICES. Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in the sale of either general merchandise or convenience goods.

COMPREHENSIVE PLAN. The declaration of purposes, policies and programs for the development of the jurisdiction.

CONDITIONAL USE. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDOMINIUM. A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE. Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A *congregate residence* shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

COPY. See Section 1002.1.

COURT. A space, open and unobstructed to the sky, located at or above *grade* level on a lot and bounded on three or more sides by walls of a building.

DAY CARE, FAMILY. The keeping for part-time care and/or instruction, whether or not for compensation, of six or less

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